



House Bill No. 7010

September Special Session, Public Act No. 20-8

AN ACT CONCERNING THE AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS, THE RECOGNITION OF GOODWIN UNIVERSITY AS A LOCAL EDUCATION AGENCY FOR PURPOSES OF FEDERAL LAW, CERTAIN EXCLUSIONS TO THE CALCULATION OF A SCHOOL DISTRICT'S MINIMUM BUDGET REQUIREMENT, AND DELAYING CERTAIN REVISIONS TO THE LAW REGARDING THE PROVISION OF CONSTRUCTION MANAGEMENT SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) The Commissioner of Administrative Services, having reviewed applications for state grants for public school building projects in accordance with section 10-283 of the general statutes on the basis of priorities for such projects and standards for school construction established by the State Board of Education, and having prepared a listing of all such eligible projects ranked in order of priority, as determined by said commissioner together with the amount of the estimated grant with respect to each eligible project, and having submitted such listing of eligible projects, prior to December 15, 2019, to a committee of the General Assembly established under section 10-283a of the general statutes for the purpose of reviewing such listing, is hereby authorized to enter into grant commitments on behalf of the state in accordance with said section 10-283 with respect to the priority listing of such projects and in such estimated amounts as approved by said

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committee prior to February 1, 2020, as follows:

(1) Estimated Grant Commitments:

School District School Project Number	Estimated Project Costs	Estimated Grant
BROOKFIELD New Elementary School 20DASY018056N0620	\$78,141,446	\$16,745,712
DARIEN Ox Ridge Elementary School 20DASY035117N0620	\$63,000,000	\$6,747,300
MANSFIELD New Mansfield Elementary School 20DASY078068N0620	\$50,512,000	\$33,014,643
NEW BRITAIN Chamberlain Elementary School 20DASY089169RNV0620	\$50,000,000	\$39,820,000
NEW FAIRFIELD New Fairfield High School 20DASY091044N0620	\$84,220,000	\$23,766,884
NEW FAIRFIELD Consolidated Early Learning Academy 20DASY091045EA0620	\$29,190,000	\$11,156,418
FAIRFIELD Mill Hill Elementary School 20DASY051149EA0620	\$22,000,600	\$5,735,556
HAMDEN Hamden Middle School 20DASY062099EA0620	\$11,223,900	\$7,496,443

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MANCHESTER Bowers Elementary School 20DASY077239RNV0620	\$32,800,000	\$21,789,040
MANCHESTER Buckley Elementary School 20DASY077240RNV0620	\$29,400,000	\$19,530,420
NORWALK Jefferson Elementary School 20DASY103251RNV0620	\$33,355,000	\$10,840,375
WINCHESTER Mary P. Hinsdale School 20DASY162043RNV0620	\$17,425,000	\$12,509,408

Sec. 2. (*Effective from passage*) Notwithstanding the provisions of section 10-285a of the general statutes, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of New Britain may use the reimbursement rate of ninety-five per cent for the renovation project at Chamberlain Elementary School (Project Number 20DASY089169RNV0620), provided the school district for the town of New Britain is an educational reform district, as defined in section 10-262u of the general statutes, on the effective date of this section.

Sec. 3. (*Effective from passage*) Notwithstanding the provisions of section 10-285a of the general statutes, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of New Britain may use the

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reimbursement rate of ninety-five per cent for the roof replacement project at Pulaski Middle School, provided the school district for the town of New Britain is an educational reform district, as defined in section 10-262u of the general statutes, on the effective date of this section.

Sec. 4. (*Effective from passage*) Notwithstanding the provisions of section 10-285a of the general statutes, or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of New Britain may use the reimbursement rate of ninety-five per cent for the roof replacement project at Slade Middle School, provided the school district for the town of New Britain is an educational reform district, as defined in section 10-262u of the general statutes, on the effective date of this section.

Sec. 5. (*Effective from passage*) (a) Notwithstanding the provisions of section 10-283 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-283 requiring a completed grant application be submitted prior to June 30, 2019, the new construction project at Norwalk High School in the town of Norwalk with costs not to exceed one hundred eighty-nine million dollars shall be included in subdivision (1) of section 1 of this act and shall subsequently be considered for a grant commitment from the state, provided the town of Norwalk files an application for such school building project prior to December 31, 2020, and meets all other provisions of chapter 173 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said chapter 173 and is eligible for grant assistance pursuant to said chapter 173.

(b) Except as otherwise provided in subsections (c) and (d) of this

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section, notwithstanding the provisions of section 10-285a of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Norwalk may use the reimbursement rate of eighty per cent for the new construction project at Norwalk High School, provided the local board of education for the town of Norwalk (1) establishes a pathways in technology early college high school program at the new Norwalk High School and such program enrolls students from surrounding towns with priority given to students from Stamford and Bridgeport, and (2) does not restrict students who are not enrolled in an arts pathways program offered at Norwalk High School from joining or otherwise participating in any arts or music program offered as part of the regular school curriculum or any extracurricular arts or music-related program.

(c) (1) Notwithstanding the provisions of section 10-285a of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Norwalk may use the reimbursement rate of fifty per cent for the construction of a natatorium as part of the new construction project at Norwalk High School.

(2) Notwithstanding the provisions of subdivision (3) of subsection (a) of section 10-286 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services limiting reimbursement to one-half of the eligible percentage of the net eligible cost of construction to a town for construction, the town of Norwalk shall receive full reimbursement of the reimbursement percentage described in subdivision (1) of this subsection of the net

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eligible cost of the new construction project at Norwalk High School.

(d) Notwithstanding the provisions of section 10-285a of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-285a concerning the reimbursement percentage that a local board of education may be eligible to receive for a school building project, the town of Norwalk may use the reimbursement rate of fifty per cent for site acquisition costs associated with the purchase of any parcels of land adjacent to the site of the new construction project at Norwalk High School.

Sec. 6. (*Effective from passage*) (a) Notwithstanding the provisions of section 10-283 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-283 requiring a completed grant application be submitted prior to June 30, 2019, a high school project in the town of Danbury, approved under the pilot program described in subsection (c) of this section, with costs not to exceed ninety-three million dollars shall be included in subdivision (1) of section 1 of this act and shall subsequently be considered for a grant commitment from the state, provided the town of Danbury files an application for such project prior to October 1, 2021, and meets all other provisions of chapter 173 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said chapter 173 and is eligible for grant assistance pursuant to said chapter 173.

(b) Notwithstanding the provisions of section 10-285a of the general statutes, subdivision (10) of subsection (a) of section 10-286 of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said sections 10-285a and 10-286 concerning the reimbursement percentage that a local board of education may be eligible to receive for

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a school building project and the computation of the reimbursement percentage for a grant for a project involving a purchase for a facility to be used as a high school, the town of Danbury may use the reimbursement rate of eighty per cent for a project approved pursuant to subsection (a) of this section.

(c) Notwithstanding any provision of chapter 173 of the general statutes or any regulation pursuant to said chapter, the Department of Administrative Services, Office of School Construction Grants and Review, shall establish a pilot program that approves the use of commercial space to be renovated as new for a project authorized pursuant to subsection (a) of this section.

(d) Notwithstanding section 10-287 of the general statutes any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said section 10-287, the design-build renovate as new method may be used for converting commercial space into a school under the pilot program in accordance with this section, and the provisions of said section 10-287 related to bidding all orders and contracts for school building construction shall not apply to such project.

(e) Representatives of the Danbury school district shall consult with the Department of Administrative Services, Office of School Construction Grants and Review, prior to executing a design-build construction contract under this section, and such office shall provide such school district with all code checklists and review materials which the district shall use as a basis for obtaining plan approval by local officials having jurisdiction over such matters. Each design phase of projects under this pilot program shall be reviewed and approved for compliance with all applicable codes by local authorities having jurisdiction over such codes. It shall be the responsibility of such school district to ensure compliance with all applicable codes.

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Sec. 7. (*Effective from passage*) Notwithstanding the provisions of sections 10-285a and 10-287i of the general statutes or any regulation adopted by the State Board of Education or the Department of Administrative Services pursuant to said sections 10-285a and 10-287i, concerning the reimbursement percentage or payments that a local board of education may be eligible to receive for a school building project, the town of Tolland may use the reimbursement rate of one-hundred per cent for the code violation project at Birch Grove Primary School (Project Number 142-0085).

Sec. 8. (NEW) (*Effective from passage*) (a) All state laws and regulations applicable to the operation of public schools, including provisions for eligibility for state aid and grants, shall apply to any interdistrict magnet school operator that is (1) the board of governors for an independent institution of higher education, as defined in subsection (a) of section 10a-173 of the general statutes, or the equivalent of such a board, on behalf of the independent institution of higher education, or (2) any other third-party not-for-profit corporation approved by the commissioner. Such interdistrict magnet operators shall receive, in accordance with federal law and regulations, any federal funds available for the education of any pupils attending public schools.

(b) Any interdistrict magnet school operator that is (1) the board of governors for an independent institution of higher education, as defined in subsection (a) of section 10a-173 of the general statutes, or the equivalent of such a board, on behalf of the independent institution of higher education, or (2) any other third-party not-for-profit corporation approved by the commissioner, shall to the extent authorized under federal law be recognized as and considered a local educational agency, as defined in 20 USC 7801, as amended from time to time, for purposes of title 10 of the general statutes and federal law.

Sec. 9. Section 10-262j of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(a) Except as otherwise provided under the provisions of subsections (c) to [(g)] (h), inclusive, of this section, for the fiscal year ending June 30, 2020, the budgeted appropriation for education shall be not less than the budgeted appropriation for education for the fiscal year ending June 30, 2019, plus any aid increase described in subsection (d) of section 10-262i, except that a town may reduce its budgeted appropriation for education for the fiscal year ending June 30, 2020, by one or more of the following:

(1) If a town experiences an aid reduction, as described in subsection (d) of section 10-262i, such town may reduce its budgeted appropriation for education in an amount equal to the aid reduction;

(2) If a district experiences a net reduction in its resident student count during a period that may include any of the five fiscal years immediately prior to the fiscal year for which the budgeted appropriation for education is calculated, such district may reduce its budgeted appropriation for education in an amount equal to the number of such net reduction multiplied by fifty per cent of the net current expenditures per resident student of such district, provided no district may use the resident student count for any fiscal year that was previously used to reduce its budgeted appropriation for education in any calculation of a net reduction of resident students for purposes of reducing its budgeted appropriation for education pursuant to this subdivision for any subsequent fiscal year;

(3) Any district (A) that does not maintain a high school and pays tuition to another school district pursuant to section 10-33 for resident students to attend high school in another district, and (B) in which the number of resident students attending high school for such district for October 1, 2018, using the data of record as of January 31, 2019, is lower than such district's number of resident students attending high school

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for October 1, 2017, using the data of record as of January 31, 2019, may reduce such district's budgeted appropriation for education by the difference in the number of resident students attending high school for such years multiplied by the amount of tuition paid per student pursuant to section 10-33; or

(4) Any district that realizes new and documentable savings through (A) increased district efficiencies approved by the Commissioner of Education, including, but not limited to, (i) reductions in costs associated with transportation services, school district administration or contracts that are not the result of collective bargaining or other labor agreements, (ii) an agreement to provide medical or health care benefits pursuant to section 7-464b, (iii) a cooperative agreement relating to the performance of administrative and central office functions, such as business manager functions, for the municipality and the school district pursuant to section 10-241b, (iv) reductions in costs associated with the purchasing or joint purchasing of property insurance, casualty insurance and workers' compensation insurance, following the consultation with the legislative body of the municipality of such district pursuant to section 10-241c, (v) reductions in costs associated with the purchasing of payroll processing or accounts payable software systems, following the consultation with the legislative body of the municipality of such district to determine whether such systems may be purchased or shared on a regional basis pursuant to section 10-241e, (vi) consolidation of information technology services, and (vii) reductions in costs associated with the care and maintenance of athletic fields, or (B) regional collaboration or cooperative arrangements pursuant to section 10-158a may reduce such district's budgeted appropriation for education in an amount equal to half of the amount of savings experienced as a result of such district efficiencies, regional collaboration or cooperative arrangement, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2019.

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(b) Except as otherwise provided under the provisions of subsections (c) to [(g)] (h), inclusive, of this section, for the fiscal year ending June 30, 2021, a town's budgeted appropriation for education shall be not less than the budgeted appropriation for education for the fiscal year ending June 30, 2020, plus any aid increase received pursuant to subsection (d) of section 10-262i, except that a town may reduce its budgeted appropriation for education for the fiscal year ending June 30, 2021, by one or more of the following:

(1) If a town experiences an aid reduction, as described in subsection (d) of section 10-262i, such town may reduce its budgeted appropriation for education in an amount equal to the aid reduction;

(2) If a district experiences a net reduction in its resident student count during a period that may include any of the five fiscal years immediately prior to the fiscal year for which the budgeted appropriation for education is calculated, such district may reduce its budgeted appropriation for education in an amount equal to the number of such net reduction multiplied by fifty per cent of the net current expenditures per resident student of such district, provided no district may use the resident student count for any fiscal year that was previously used to reduce its budgeted appropriation for education in any calculation of a net reduction of resident students for purposes of reducing its budgeted appropriation for education pursuant to this subdivision for any subsequent fiscal year;

(3) Any district (A) that does not maintain a high school and pays tuition to another school district pursuant to section 10-33 for resident students to attend high school in another district, and (B) in which the number of resident students attending high school for such district for October 1, 2019, using the data of record as of January 31, 2020, is lower than such district's number of resident students attending high school for October 1, 2018, using the data of record as of January 31, 2020, may reduce such district's budgeted appropriation for education by the

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difference in the number of resident students attending high school for such years multiplied by the amount of tuition paid per student pursuant to section 10-33; or

(4) Any district that realizes new and documentable savings through (A) increased district efficiencies approved by the Commissioner of Education, including, but not limited to, (i) reductions in costs associated with transportation services, school district administration or contracts that are not the result of collective bargaining or other labor agreements, (ii) an agreement to provide medical or health care benefits pursuant to section 7-464b, (iii) a cooperative agreement relating to the performance of administrative and central office functions, such as business manager functions, for the municipality and the school district pursuant to section 10-241b, (iv) reductions in costs associated with the purchasing or joint purchasing of property insurance, casualty insurance and workers' compensation insurance, following the consultation with the legislative body of the municipality of such district pursuant to section 10-241c, (v) reductions in costs associated with the purchasing of payroll processing or accounts payable software systems, following the consultation with the legislative body of the municipality of such district to determine whether such systems may be purchased or shared on a regional basis pursuant to section 10-241e, (vi) consolidation of information technology services, and (vii) reductions in costs associated with the care and maintenance of athletic fields, or (B) regional collaboration or cooperative arrangements pursuant to section 10-158a, may reduce such district's budgeted appropriation for education in an amount equal to half of the amount of savings experienced as a result of such district efficiencies, regional collaboration or cooperative arrangement, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2020.

(c) For the fiscal years ending June 30, 2020, and June 30, 2021, the

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Commissioner of Education may permit a town to reduce its budgeted appropriation for education in an amount determined by the commissioner if the school district in such town has permanently ceased operations and closed one or more schools in the school district due to declining enrollment at such closed school or schools in the fiscal years ending June 30, 2013, to June 30, 2020, inclusive.

(d) [For] Except as otherwise provided under the provisions of subsection (h) of this section, for the fiscal years ending June 30, 2020, and June 30, 2021, a town designated as an alliance district, as defined in section 10-262u, shall not reduce its budgeted appropriation for education pursuant to this section.

(e) For the fiscal years ending June 30, 2020, and June 30, 2021, the provisions of this section shall not apply to any district that is in the top ten per cent of school districts based on the accountability index, as defined in section 10-223e.

(f) For the fiscal years ending June 30, 2020, and June 30, 2021, the provisions of this section shall not apply to the member towns of a regional school district during the first full fiscal year following the establishment of the regional school district, provided the budgeted appropriation for education for member towns of such regional school district for each subsequent fiscal year shall be determined in accordance with this section.

(g) For the fiscal years ending June 30, 2020, and June 30, 2021, any district that has (1) elected to act as a self-insurer, pursuant to section 10-236, (2) experienced a loss incurred as a result of one or more catastrophic events, as declared by a nationally recognized catastrophe loss index provider, during the prior fiscal year, and (3) increased its budgeted appropriation for education during said prior fiscal year as a result of such loss, shall not be required to include the amount of such increase in the calculation of such district's budgeted appropriation for

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education for the subsequent fiscal year.

(h) For the fiscal years ending June 30, 2020, and June 30, 2021, any district that has received (1) a supplemental appropriation from the board of finance for a town having a board of finance, the board of selectmen for a town having no board of finance or the authority making appropriations for the school district, for the purpose of covering costs associated with COVID-19 expenditures because the budgeted appropriation for education for the district was insufficient to cover such costs, or (2) federal funds pursuant to the Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, as amended from time to time, shall not be required to include the amount of such supplemental appropriation or federal funds in the calculation of such district's budgeted appropriation for education for the subsequent fiscal year. As used in this subsection, "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by the World Health Organization as a communicable respiratory disease.

Sec. 10. Subsection (b) of section 10-287 of the 2020 supplement to the general statutes, as amended by section 6 of public act 19-1 of the July special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) All orders and contracts for school building construction receiving state assistance under this chapter, except as provided in subdivisions (2) to (4), inclusive, of this subsection, shall be awarded to the lowest responsible qualified bidder only after a public invitation to bid, which shall be advertised in a newspaper having circulation in the town in which construction is to take place, except for (A) school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292, and (B) change orders, those contracts or orders costing less than ten thousand dollars and those of an emergency nature, as determined by the

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Commissioner of Administrative Services, in which cases the contractor or vendor may be selected by negotiation, provided no local fiscal regulations, ordinances or charter provisions conflict.

(2) All orders and contracts for architectural services shall be awarded from a pool of not more than the four most responsible qualified proposers after a public selection process. Such process shall, at a minimum, involve requests for qualifications, followed by requests for proposals, including fees, from the proposers meeting the qualifications criteria of the request for qualifications process. Public advertisements shall be required in a newspaper having circulation in the town in which construction is to take place, except for school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292. Following the qualification process, the awarding authority shall evaluate the proposals to determine the four most responsible qualified proposers using those criteria previously listed in the requests for qualifications and requests for proposals for selecting architectural services specific to the project or school district. Such evaluation criteria shall include due consideration of the proposer's pricing for the project, experience with work of similar size and scope as required for the order or contract, organizational and team structure, including any subcontractors to be utilized by the proposer, for the order or contract, past performance data, including, but not limited to, adherence to project schedules and project budgets and the number of change orders for projects, the approach to the work required for the order or contract and documented contract oversight capabilities, and may include criteria specific to the project. Final selection by the awarding authority is limited to the pool of the four most responsible qualified proposers and shall include consideration of all criteria included within the request for proposals. As used in this subdivision, "most responsible qualified proposer" means the proposer who is qualified by the awarding authority when considering price and the factors necessary for faithful performance of

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the work based on the criteria and scope of work included in the request for proposals.

(3) (A) All orders and contracts for construction management services shall be awarded from a pool of not more than the four most responsible qualified proposers after a public selection process. Such process shall, at a minimum, involve requests for qualifications, followed by requests for proposals, including fees, from the proposers meeting the qualifications criteria of the request for qualifications process. Public advertisements shall be required in a newspaper having circulation in the town in which construction is to take place, except for school building projects for which the town or regional school district is using a state contract pursuant to subsection (d) of section 10-292. Following the qualification process, the awarding authority shall evaluate the proposals to determine the four most responsible qualified proposers using those criteria previously listed in the requests for qualifications and requests for proposals for selecting construction management services specific to the project or school district. Such evaluation criteria shall include due consideration of the proposer's pricing for the project, experience with work of similar size and scope as required for the order or contract, organizational and team structure for the order or contract, past performance data, including, but not limited to, adherence to project schedules and project budgets and the number of change orders for projects, the approach to the work required for the order or contract, including on and after July 1, 2021, whether the proposer intends to self-perform any project element and the benefit to the awarding authority that will result from such self-performance, and documented contract oversight capabilities, and may include criteria specific to the project. Final selection by the awarding authority is limited to the pool of the four most responsible qualified proposers and shall include consideration of all criteria included within the request for proposals. As used in this subdivision, "most responsible qualified proposer" means the proposer who is qualified by the awarding authority when

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considering price and the factors necessary for faithful performance of the work based on the criteria and scope of work included in the request for proposals.

(B) [Upon] On and after July 1, 2021, upon the written approval of the Commissioner of Administrative Services, an awarding authority may permit a construction manager to self-perform a portion of the construction work if the awarding authority and the commissioner determine that the construction manager can self-perform the work more cost-effectively than a subcontractor. All work not performed by the construction manager shall be performed by trade subcontractors selected by a process approved by the awarding authority and the commissioner. The construction manager's contract shall include a guaranteed maximum price for the cost of construction. Such guaranteed maximum price shall be determined not later than ninety days after the selection of the trade subcontractors. Construction shall not begin prior to the determination of the guaranteed maximum price, except work relating to site preparation and demolition may commence prior to such determination.

(4) All orders and contracts for any other consultant services, including, but not limited to, consultant services rendered by an owner's representatives, construction administrators, program managers, environmental professionals, planners and financial specialists, shall comply with the public selection process described in subdivision (2) of this subsection. No costs associated with an order or contract for such consultant services shall be eligible for state financial assistance under this chapter unless such order or contract receives prior approval from the Commissioner of Administrative Services.

Approved October 2, 2020